

**ATTORNEY DOCKET NO: 2003946-0080 (FP04-0096-0)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|---------------------|-------------------------|------------------------|-----------------|
| <b>Applicant:</b>   | Yamamoto, <i>et al.</i> | <b>Examiner:</b>       | PAGONAKIS, Anna |
| <b>Serial No.:</b>  | 10/797,903              | <b>Group Art Unit:</b> | 1614            |
| <b>Filing Date:</b> | March 10, 2004          | <b>Conf. No.:</b>      | 3373            |
| <b>Title:</b>       | C-KIT KINASE INHIBITOR  |                        |                 |

**VIA EFS WEB FILING – WWW.USPTO.GOV**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31**

Applicants hereby appeal the final rejection of pending claims 12 and 14-20 in the above-referenced application. These claims have been twice rejected as required under 37 C.F.R. § 41.31(a)(1).

The final rejection of these claims in the above-referenced case was mailed July 23, 2008. A Response and a Petition for a one-month extension of time from October 23, 2008, up to and including November 23, 2008, were filed and the appropriate extension fee was paid on November 21, 2008. A Petition for an additional two-month extension of time from November 23, 2008, up to and including January 23, 2009, is enclosed. With this Petition, the deadline for filing a Notice of Appeal is January 23, 2009. Applicants respectfully submit that the present Notice of Appeal is therefore timely filed on January 23, 2009.

The extension fee of \$980.00 under 37 C.F.R. § 1.17(a) for a large entity and the Appeal fee of \$540.00 under 37 C.F.R. § 41.20(b)(1) are being paid via the U.S. Patent and Trademark

Office's Electronic Filing System's credit card payment option. Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

/Charles E. Lyon/

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